

CALL TO ORDER

Mayor Severino opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL - Present: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek.

Absent: Mr. Haynes

Others Present: J. Peter Jost, Esq., Robert Clerico Township Engineer and Ella Ruta, Township Clerk

Mayor Severino welcomed the Township’s new Engineer, Robert Clerico of Van Cleef Engineering.

APPROVAL OF PRIOR MEETING MINUTES

- a. Re-organization Meeting Minutes of January 6, 2010.

Mr. Severino made corrections to the Minutes. Mr. Clerico should be listed as Township Engineer. Questioned terms of OEM and 911 Coordinators. The minutes will be amended to show one year terms instead of three for both positions as was the intention at the time of voting. The Attorney will research and minutes will be amended as necessary.

Mrs. Dziubek made a motion to approve the Re-organization Meeting Minutes as amended. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Abstain – Mr. Mazza. Motion carried.

- b. Regular and Executive Session Meeting Minutes of January 6, 2010

Mr. Mazza made the following changes to the Regular Minutes: Page 5, paragraph 2 remove “Mr. Mazza’s” name from the voting.

Mr. Bischoff made the following changes to the Regular Minutes: 1) page 3, Sub Committee Appointments, COAH remove Mr. Hintz and replace with Mr. Haynes. 2) last item under Mr. Bischoff reported the following: replace “Iraqis” with “Americans”.

Mrs. Dziubek made the following change to the Regular Minutes: Page 1 first item under Mrs. Dziubek mentioned the following correspondence: change “NJLM” to “The State.”

Mrs. Dziubek made a motion to approve the Regular and Executive Session Meeting Minutes of January 6, 2010 as amended. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mrs. Dziubek. Abstain – Mr. Mazza. Motion carried.

VISITORS

- a. Dan Van Fossen – Introduced “Timmy” the new member of the new Canine K-9 Unit. Reminded the Committee to remember the new fire truck at budget time.
- b. Skylands Preservation Alliance.

Tracy Misler and Ann Ferrero. The Skylands Preservation Alliance is a newly formed non-profit organization in response to the application of the 192-acre Trucking Distribution Center in Franklin Township, Warren County near the Musconetcong river.

OUT OF AGENDA ORDER:

Discussion – Amy Barkman - Union Township School District – Snow Plowing Assistance. The Committee will discuss the matter further and notify Ms. Barkman of their decision.

REPORTS RECEIVED

- a. Road Dept.- Week Ending 12/24/09; 01/01/10; 01/08/10
- b. UT Municipal Court – December 2009
- c. UTEC - December 8, 2009 Draft Minutes
January 12, 2010 Agenda

EXECUTIVE SESSION – the following resolution introduced for adoption:

RESOLUTION 2010-23

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. _____ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
2. _____ *Matters Relating to the Employment Relationship*: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive Session on January 20, 2010 at 8:27 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Mrs. Dziubek made a motion to adopt the above resolution to discuss potential litigation, contract negotiations and personnel. Mr. Bischoff seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

At 9:57 p.m., Mr. Mazza made a motion to return to public session. Mrs. Dziubek seconded. Vote: Ayes –Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

RETURN TO AGENDA ORDER:

REPORTS RECEIVED (continued):

Engineers Report

- Block 17, Lot 1.01 (Baptist Church Road and the Driftway) – Easement investigation. Survey crew will locate the monuments.
- The Committee and Engineer discussed the status of open items.

CORRESPONDENCE/WRITTEN COMMUNICATIONS

At 10:15 pm, Mr. Clerico left the meeting

Mr. Bischoff mentioned the following correspondence:

- Bill A-4261/S3071 – Allows certain current managerial and confidential employees to unionize.
- Deer Carcass Removal Service LLC - Briefly discussed. The Clerk will call to acknowledge the Township's participation for the two-year period beginning January 1, 2010.

Mr. Mazza mentioned the following correspondence: None

Mrs. Dziubek mentioned the following correspondence: None

Mr. Severino mentioned the following correspondence:

- Princeton Hydro – Dr. Souza – Sidney Brook Watershed Protection Plan-Project Up-Date Meeting. Presenting the two-year findings on the Sidney Brook on Tuesday, January 26 at 7:00 PM. Mrs. Dziubek and Mr. Mazza will attend.
- Mr. Radican, resident – Letter Concerning Road Conditions. The Engineer will be briefed before Mr. Radican attends a meeting.

PUBLIC COMMENTS - None

PUBLIC HEARING – 2nd reading - None

OLD BUSINESS

- a. The following resolution introduced for adoption:

**RESOLUTION #2010-12
UNION TOWNSHIP, HUNTERDON COUNTY
COORDINATOR AND ALTERNATE COORDINATOR**

FOR THE AGING - 2010

WHEREAS, Fran La Tournous is hereby appointed to represent the Township of Union as the Coordinator for the Aging; and

WHEREAS, Karl Kroeschel is hereby appointed to represent the Township of Union as the Alternate Coordinator for the Aging; and

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union to appoint Fran LaLournous, Coordinator and Karl Kroeschel as Alternate Coordinator for the Aging to serve for the Township of Union, Hunterdon County, for year 2010.

Mrs. Dziubek made a motion to adopt above resolution. Mr. Bischoff seconded. Vote: Ayes – Mr Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

NEW BUSINESS

a. The following resolution introduced for adoption:

**RESOLUTION #2010-24
UNION TOWNSHIP; HUNTERDON COUNTY
RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2010**

WHEREAS, the Township of Union has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, anticipated term of this contract is one year; and

WHEREAS, J. PETER JOST, ESQ. has submitted a proposal indicating all legal services shall be paid at a fee of \$167.00 per hour; and

WHEREAS, J. PETER JOST, ESQ. has completed and submitted a Business Entity Disclosure Certification which certifies that J. PETER JOST, ESQ. has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit J. PETER JOST, ESQ. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Chief Financial Officer has certified to the governing body the availability of funds for said contract in a line item entitled Legal Services, OE; and

NOW THEREFORE, BE IT RESOLVED by the Township Committee authorizes the Mayor and Clerk to enter into a contract with J. PETER JOST, ESQ. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a Notice of this action shall be printed once in the official newspaper of this municipality.

Ella Malecki Ruta, Municipal Clerk

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Finance Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2010 Temporary/Adopted Budget to award a contract to J. Peter Jost, as appropriated under the line item "_____".

Date: _____

Grace M. Brennan, CFO

Mr. Bischoff made a motion to adopt above resolution as amended, deleting the salary of \$13,800 per year and replacing that language with "Whereas, J. Peter Jost, Esq. has submitted a proposal that he will be paid a fee for all legal services at a fee of \$167.00 per hour." Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

b. The following resolution introduced for adoption:

RESOLUTION #2010-25
UNION TOWNSHIP, HUNTERDON COUNTY
AUTHORIZING CONTRACT FOR PLANNING CONSULTANT SERVICES FOR 2010
Clarke-Caton-Hintz/Carl E. Hintz, PP

WHEREAS, the Township of Union has a need to acquire planning services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

WHEREAS, CLARKE CATON HINTZ has completed and submitted a Business Entity Disclosure Certification which certifies that CLARKE CATON HINTZ has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit CLARKE CATON HINTZ from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Union, Hunterdon County, New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached agreement with Clarke-Caton-Hintz/Carl E. Hintz, PP, for planning consulting services for 2010.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1) (a) of the Local Public Contracts Law because Carl E. Hintz is a professional planner.

3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2010 temporary and permanent Municipal budgets.
4. A Notice of this action shall be printed once in the official newspaper.

**CERTIFICATION AS TO AVAILABILITY OF FUNDS
UNION TOWNSHIP, HUNTERDON COUNTY**

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2010 Temporary/Adopted Budget to award a contract to Clarke-Caton-Hintz under the line item "_____".

Date: _____

Grace M. Brennan, CFO

Mrs. Dziubek made a motion to approve above resolution, subject to Attorney review. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

- c. The following resolution introduced for adoption:

**RESOLUTION #2010 - 26
UNION TOWNSHIP, HUNTERDON COUNTY
AUTHORIZING CONTRACT FOR LEGAL SERVICES/PLANNING BOARD 2010
Woolson Sutphen Anderson & Nergaard/Mark S. Anderson, Esq.**

WHEREAS, the Township of Union has a need to acquire legal services for the Planning Board/Board of Adjustment as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

WHEREAS, MARK ANDERSON, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that MARK S. ANDERSON, Esq. has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit MARK S. ANDERSON, Esq. from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Union, Hunterdon County, New Jersey, as follows:

5. The Mayor and Township Clerk are hereby authorized and directed to execute the attached agreement with William r. Sutphen, Esq., for legal services/Panning Board for 2010.

MINUTES OF REGULAR MEETING January 20, 2010

6. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1) (a) of the Local Public Contracts Law.
7. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2010 temporary and permanent Municipal budgets.
8. A Notice of this action shall be printed once in the official newspaper.

CERTIFICATION AS TO AVAILABILITY OF FUNDS
UNION TOWNSHIP, HUNTERDON COUNTY

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2010 Temporary/Adopted Budget to award a contract to Mark S. Anderson, Esq., under the line item "_____".

Date: _____

 Grace M. Brennan, CFO

Mrs. Dziubek made a motion to approve above resolution. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

- d. The following resolution introduced for adoption:

RESOLUTION 2010-27
UNION TOWNSHIP, HUNTERDON COUNTY
2009 TAX OVERPAYMENT APPLIED TO 2010 TAXES

WHEREAS, there exists an overpayment of taxes for the attached List of Properties;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of new Jersey, that the 2009 tax overpayment be applied to the 2010 taxes of persons named as follows:

Owner	Block	Lot	Qualifier	Amount
Preet, Kanwal	1.05	24		1445.65
Tortorello, Nicholas & Tracey	4	3.04		15.30
Crane, Geraldine	6	4.02		23.11
Filardo, Damien & Denise	6	6.01		31.78
Plushanski, Alex/Fred Plushanski	9	3	QFARM	33.52
Sheets, Wayne F & Susan	11	8.01		249.65
Ponderosa NJ LLC	14	14		24.07
Fox, Robert W & Marsha Cohen	14	22.02		15.81
LFP Holdings LLC	15	20		16.01
Markakis, Dimitrios	16.01	4.13		16.56
Sullivan, Cornelius C & Debra J	16.01	4.34		17.42
Sevilis, S Paul & Kerry	17	4.43		29.69
Frace, Lawrence H & Karen	17	11		1052.30
Johnson, Martha D	18	11		15.01
Caporaso, Carolyn L	19	11.09		40.13
Phelps, Robert S & Judith Robinson	22	17		667.27

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Minzer, Daniel D	22	25.07		19.35
Weiner, Carol B	22	25.09		19.75
Red Hills Industrial Park	22	30		33.07
Zambas, Avraam N	23	2.01		61.89
Woerner, Patricia A	24	2	C0406	11.57
Wells, Laura	24	2	C0610	774.59
Koestler, Patricia C	24	2	C2311	38.83
Diaz, Gary & Jamie	24	2	C2501	831.35
Rock, William A	24	2	C2707	55.26
Throckmorton, Mark S & Diane	26	1		15.22
First Step Learning Center Inc	26	18		37.93
Sferra, Kevin J & Karen	27	3.02		23.34
Morrone, Michael	29	23		21.80
Brand, Edward W & Robin W	29	24		1415.08
Nief, Mabelle O	30	10		26.62
Thatcher, Jacqueline & Mark	30	18		26.33
Harvey George & Petri Kathleen	15	8.01		17.90
Bareham, Thomas A & Camille V	25.01	5		11.08
Radican, Francis L & Eileen E	25.02	8		4285.62
Twohy, David E & Josephone	27	3.09		74.71
Anandani, Rakesh D & Shireen R	11.01	9		17.13
Kao, Ping-Chien & Chien-Ling Han	11.01	18		44.35
Gada, Jacqueline	11.01	22	C0006	1901.55

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, Country of Hunterdon, State of new Jersey, that the 2009 tax overpayment be applied to the 2010 taxes of the person(s) named above.

Mrs. Dziubek made a motion to approve above resolution. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

e. The following resolution introduced for adoption:

**RESOLUTION #2010-
UNION TOWNSHIP, HUNTERDON COUNTY
APPOINTMENT – EMERGENCY MANAGEMENT COORDINATOR**

Resolution tabled for next meeting.

NEW ORDINANCE – 1ST Reading – None

ENGINEER'S REPORT – previously done

ATTORNEY'S REPORT – Mr. Jost reported the following:

- \$500,000. received from the State towards Milligan Farm.
- Quote from Mr. Hintz for Renewable Energy Regulatory Ordinance reviewed. The Clerk to send a letter to Mr. Hintz to prepare the Ordinance and that the Committee will advise him whether his attendance at meetings will be necessary.

Motion: Mrs. Dziubek made a motion to authorize Mr. Hintz to prepare a Renewable Energy Regulatory Ordinance. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

- Closing on Douglass Farm on 1-27-10. Water test is being requested by the buyer's Attorney.
- RFP for Hoffman property. The County emailed that they needed additional information.

MAYOR'S REPORT – Mayor Severino reported the following:

- Issue of recycling being open/closed on Martin Luther King, Jr. weekend.
- The Animal Control Officer will resume monthly reports.
- Clean Community money should go for a new leaf blower and a container for recycled batteries.

Motion: Mr. Bischoff made a motion to purchase a leaf blower and a container for batteries with Clean Community funds. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

COMMITTEE REPORTS

Mr. Severino reported the following: None

Mr. Bischoff reported the following:

- Thomas Jefferson, "Since my reading in history convinces me that most bad government results from too much government, right now we have too much government.
- Amend cat ordinance - consider the Veterinary recommendation that cats be vaccinated for rabies yearly instead of every 3 years.
- The Clerk will speak with the Road Supervisor about the MEL group using the Municipal Building for future training session.
- PS&S Freshwater Permit Notice. No action needed by the Township.

Mr. Mazza reported the following: None

Mrs. Dziubek reported the following:

- Farmland Preservation Plan – February 11 public hearing.
- Paige DiRoberto, Chair of the Agriculture Committee, will be assisted by Page Stiger.
- Records storage and painting downstairs in Municipal Building.

Motion: Mrs. Dziubek made a motion that the Road Dept. purchase paint and paint downstairs offices. In their spare time, they will also move filing cabinets. Paint color to be selected by Mr. Mazza and approved by the Committee. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

Mr. Severino reported the following: None

CLERK'S REPORT

- a. Raffle License #2010-1 Hunterdon County Developmental Center, Inc.; On Premise Merchandise: 06/06/10

Mrs. Dziubek made a motion to approve the above Raffle License. Mr. Bischoff seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

- b. UT Court Administrator – Letter of Resignation

PUBLIC COMMENTS - None

PAYMENT OF THE BILLS

Mr. Bischoff moved that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mrs. Dziubek seconded. Vote: Ayes –Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

ADJOURNMENT – There being no further business to come before the Township Committee at this time, Mrs. Dziubek made a motion to adjourn. Mr. Bischoff seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 11:00 p.m.

Respectfully submitted,

Pat Essig
Administrative Assistant